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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,913	03/25/2004	Keiji Kanota	450100-4443.1	7357

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,913

Applicant(s)

KANOTA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-35 and 45-54 is/are allowed.
- 6) ☒ Claim(s) 36-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 36-38, 40-44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al in view of Official Notice.

Lane et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 36 and 44, including the feature of identifying first data and second data of different kinds (See Lane et al 51, lines 1-9), the feature of reproducing the first data and second data on a recording medium by using the first method of reproducing so as to insure continuous reproduction of the first data and by using the second method so as to insure the reliability of the second data as specified in the present claims 36, and 44. (See Lane et al's Figure 11, components

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420, and 422, and 400, where it is disclosed normal and trick play reproduction operation in a manner to respectively have continuous and reliable reproduction operations).

Lane et al fails to specifically disclose the feature of reproducing the first data while reproducing the second data from the recording medium as specified in the present claims 36 and 44.

Examiner takes Official notice in that it is notoriously well known in the recording/reproducing art to simultaneously reproduce two different recorded signals from a recording medium as specified in the present claims 36, and 44.

It would have been obvious to one skilled in the art to modify the Lane et al's recording/reproducing apparatus wherein the reproducing means provided thereof would incorporate the capability of simultaneously reproducing two different recorded signals from the recording medium in the same conventional manner as is well known in the recording/reproducing art. Examiner has taken Official Notice. The motivation is to be able to reproduce at the same time two different recorded signals from the recording medium at any desired time, thereby increase the efficiency of the reproducing operation in the same conventional manner as is suggested in the prior art.

With regard to claim 37, the feature of first data being closely correlated and the second data being not closely correlated would be inherently present in the proposed combination indicated since one of the first data type is directed to intraframe data (which data would be correlated) and the second data are directed to interframe data

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(which data would be not correlated). (See the data used for the trick play data and the data used for normal play data as shown by Lane et al).

With regard to claim 38, the feature of the first data being temporally continuous as specified thereof would be present in the proposed combination of Lane et al and Official Notice indicated above since the first type of data as indicated in the above rejection is the intraframe of data which is known to be temporally continuous. (See the trick play data disclosed in the Lane et al).

With regard to claim 40, the feature of reproducing, as a file, the first and second data as recited thereof is present in the proposed combination of lane et al and Official Notice as indicated above. (See Lane et al's Figure 11, components 420, and 422, and 400, where it is disclosed normal and trick play reproduction operation).

With regard to claim 41, the feature of the storing specific extender information which represents a file kind assigned to the file as specified thereof would be present in the proposed combination of Lane et al and Official Notice indicated above. (See Lane et al's column 51, lines 1-9).

With regard to claim 42, the feature of reproducing the first data from the recording medium by a reproduction process other than a process of continuously reading out the first data as specified thereof is present in the proposed combination of Lane et al and Official Notice indicated above. (See the first data type shown in Lane et al, which is directed to intraframe data and which data would be correlated and continuous, therefore, reproduction would be a continuous reproduction for the reproduction of the first data type).

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With regard to claim 43, the feature of interpolating the first data reproduced by the reproducing means on the basis of the error information stored in the error information storage means as specified thereof is present in the proposed combination indicated above. (See Lane et al's Figure 11, component 404).

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al as applied to claims 36-38 above, and further in view of Nagasawa et al.

The proposed combinations indicated above discloses a recording/reproducing apparatus that shows substantially the same limitations recited in claim 39, including the feature of reproducing the first and second data from the recording medium as specified in the present claim 39. (See Lane et al's Figure 11, components 420, and 422, and 400).

Lane et al fails to specifically disclose the feature of the second data being random access data other than audio and/or video data streams as specified in claim 39.

Nagasawa et al discloses a recording/reproducing apparatus that discloses the capability of recording/reproducing two different data streams wherein one of the data stream is random access data other than the video and/or audio data as specified in claim 39. (Applicant is directed to the recording the still image data as shown in Nagasawa et al's Figures 1A-1C).

It would have been obvious to one skilled in the art to modify the proposed combination indicated above wherein the recording/reproducing means provided thereof would incorporate the capability of recording/reproducing data other than video and/or

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audio data in the same conventional manner as is shown by Nagasawa et al. The motivation is to have a better understanding of the reproduced signal by providing still image data at the output during the reproduction operation as suggested by Nagasawa et al.

5. Claims 1-35, and 45-54 contain allowable subject matter over the prior art of record.

6. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a data recording apparatus. The independent claims identify the feature of "in the first method the recording of the first data is limited from being written to a replacement sector and is enabled to be written continuously to the recording medium and whereby in the second method the recording of the second data is not limited and is enabled to be written to a replacement sector and also continuously to the recording medium". The closest prior art, Lane et al is directed to a conventional recording/reproducing apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
December 21, 2004.


ROBERT CHEVALIER
PRIMARY EXAMINER